

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL

Carol Isaacs  
*Deputy Attorney General*



MIKE COX  
ATTORNEY GENERAL

3030 W. Grand Blvd  
10<sup>th</sup> Floor Suite 200  
Detroit, MI 48202

**STIPULATED SETTLEMENT AGREEMENT**

**IT IS HEREBY AGREED** by the State Treasurer, Shaun Leary, [REDACTED], Sharon Leary, Danny Leary and Michael Kemnitz, Attorney for the Learys, to enter into an agreement as follows:

1. Shaun Leary, [REDACTED], is incarcerated in a State of Michigan correctional facility, and is subject to the State Correctional Facility Reimbursement Act.
2. Michael Kemnitz, attorney for Shaun Leary, currently holds assets from case no. 03-6001 filed against Livingston County Sheriff and other parties in 2003 in the United States District Court which was recently settled for \$190,000.00.
3. The State Treasurer, Shaun Leary, [REDACTED], Sharon Leary, Danny Leary and Michael Kemnitz have agreed to settle the civil lawsuit filed against the above parties (Livingston County Circuit Court Case No. 08-23760) pursuant to the State Correctional Facility Reimbursement Act (SCFRA), MCL 800.401 *et seq*, for 50% of the settlement proceeds after attorney fees, costs and taxes.
4. Michael Kemnitz agrees to make a one time payment of Forty Thousand Nine Hundred Eighty Six Dollars and Eight Three Cents (\$40,986.83) on behalf of the Learys to the State of Michigan as partial reimbursement for Shaun Leary's cost of care. The State Treasurer agrees to dismiss case no. 08-23760 after the above payment has been received.
5. The payment of \$40,986.83 shall be paid by October 1, 2008, made payable to the State of Michigan and sent to:

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL

Carol Isaacs  
Deputy Attorney General



MIKE COX  
ATTORNEY GENERAL

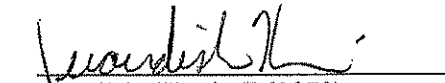
3030 W. Grand Blvd  
10<sup>th</sup> Floor Suite 200  
Detroit, MI 48202

Juandisha Harris,  
Department of Attorney General,  
Prison Reimbursement Section,  
3030 W. Grand Blvd., Ste. 10-200  
Detroit, MI 48202

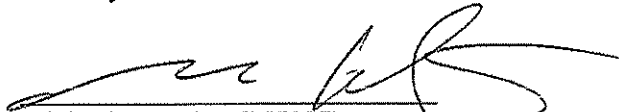
6. This Agreement only applies to the aforementioned assets being held by Attorney Michael Kemnitz. The State of Michigan may institute additional SCFRA proceedings to seek reimbursement against any of Inmate Shaun Leary assets that are not covered by this Agreement.

I have reviewed the above agreement and stipulate to its terms.

Date: 9-10-08

  
Juandisha Harris (P62978)  
Attorney for Plaintiff

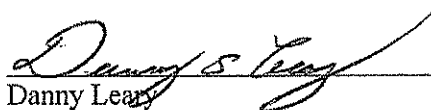
Date: 9-6-08

  
Michael Kemnitz, (P57227)  
Attorney for Defendants

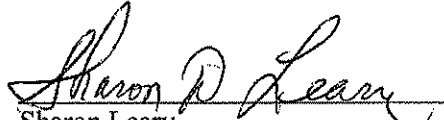
Date: 9.6.08

  
Shaun Leary, [REDACTED]  
Defendant

Date: 9/06/08

  
Danny Leary  
Defendant

Date: 9/6/08

  
Sharon Leary  
Defendant

Approved, SCAO

Legal Software, Inc  
(800) 530-2255

Original - Court  
1st copy - Applicant  
Copies - All appearing parties

STATE OF MICHIGAN  
JUDICIAL DISTRICT  
44th JUDICIAL CIRCUIT  
COUNTY PROBATE

DISMISSAL

CASE NO.

08-23760-CZ

Court address

204 S. Highlander Way Suite 5 Howell, MI 48843

Court telephone no.

517-546-9816

Plaintiff name (s), address(es), and telephone no (s).

STATE TREASURER  
Cadillac Place  
3030 W. Grand Blvd. Ste 10-200  
Detroit, MI 48202  
(313) 456-0140

V

Defendant name(s), address(es)

Shaun Leary, [REDACTED] Danny and Sharon Leary  
Parnall Correctional Facility 7330 Lee Road  
1780 Parnall Jackson, MI 49201  
Jackson, MI 49201

Plaintiff's attorney, bar no., address, and telephone no.

Juandisha Harris (P62978)  
Assistant Attorney General  
(same as above)

Defendant's attorney, bar no., address, and telephone no.

Michael Kemnitz (P57227)  
645 Griswold, Suite 1717  
Detroit, MI 48226  
(313) 967-0199

☐ NOTICE OF DISMISSAL BY PLAINTIFF

1. Plaintiff/Attorney for plaintiff files this notice of dismissal of this case

☐ all defendants.

☐ the following defendant(s): \_\_\_\_\_

☐ with

☐ without prejudice as to:

2. I certify, under penalty of contempt, that:

a. This notice is the first dismissal filed by plaintiff based upon or including the same claim against defendant.

b. All costs of filing and service have been paid.

c. No answer or motion has been served upon plaintiff by defendant as of the date of this notice.

d. A copy of this notice has been provided to the appearing defendant/attorney by ☐ mail ☐ personal service.

Date

Plaintiff/Attorney signature

☒ STIPULATION TO DISMISS

I stipulate to the dismissal of this case

☒ with

☐ without prejudice as to:

☒ all parties

☐ the following parties: \_\_\_\_\_

TRUE COPY  
MICHAEL KEMNITZ  
LAWYER & CLERK

9-29-08

Date

9-19-08

Date

Plaintiff/Attorney signature Juandisha Harris (P62978)

Defendant/Attorney signature Michael Kemnitz (P57227)

☒ ORDER TO DISMISS

IT IS ORDERED that this case is dismissed

☐ with

☐ without prejudice. Conditions, if any: \_\_\_\_\_

STANLEY J. LATREILLE

Date

Judge

Bar No.